

## **Compatibility Determination**

**Use:** Waterfowl Hunting

**Refuge Name:** Stone Lakes National Wildlife Refuge  
Sacramento County, California

**Establishing and Acquisition Authority(ies):**

Stone Lakes National Wildlife Refuge (NWR) was established in 1994 by the U.S. Fish and Wildlife Service (Service) under the authority of the Emergency Wetlands Resources Act of 1986, the Fish and Wildlife Act of 1956, the Migratory Bird Conservation Act, and the Endangered Species Act of 1973. The approved refuge boundary encompasses about 18,000 acres, of which the Service owns or manages 6,064 acres. Additional acquisition authorities derive from funding sources the Service has used to acquire land, including: California Environmental License Plate Fund, Cigarette and Tobacco Product Surtax, North American Wetland Conservation Act, Land and Water Conservation Fund, Sacramento County Environmental Mitigation Grant/Packard Foundation, Central Valley Project Improvement Act, National Fish and Wildlife Foundation, Trust for Public Land Grant/Packard Foundation, City of Sacramento, and CalFed Bay-Delta Authority.

**Refuge Purpose(s):** Stone Lakes NWR purposes include:

“... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ...” 16 U.S.C. § 3901(b) (Emergency Wetlands Resources Act of 1986)

“... for the development, advancement, management, conservation, and protection of fish and wildlife resources ...” 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956)

“... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ...” 16 U.S.C. § 742f(b)(1) (Fish and Wildlife Act of 1956)

“... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. § 715d (Migratory Bird Conservation Act)

“... to conserve (A) fish or wildlife which are listed as endangered species or threatened species .... or (B) plants ...” 16 U.S.C. § 1534 (Endangered Species Act of 1973)

**National Wildlife Refuge System Mission:** The mission of the National Wildlife Refuge System (System) is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans” (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee]).

**Description of Use:** Hunting has occurred traditionally in the South Stone Lake portion of the Refuge and surrounding Sacramento-San Joaquin Delta since at least the mid-19<sup>th</sup> century. The Refuge proposes to provide expanded opportunities for the public to participate in a safe and quality waterfowl hunting program. When considering the 6,069 acres of the Refuge, the Service only has authority to propose a waterfowl hunting program for lands it owns in fee title (1,740 acres). The 912-acre South Stone Lake Unit is being considered for this program, because it supports waterfowl habitat in a large, contiguous block, is an adequate distance from residential development and Interstate 5, and has a history of waterfowl hunting. Therefore, this program would occur on approximately 52 percent of the Refuge acreage actually available to support a hunt program. All hunting would comply with all applicable Federal and State laws and regulations. Refuge-specific regulations would also govern waterfowl hunting activities. A description of the proposed hunting program can be found in the Refuge Waterfowl Hunt Plan.

The South Stone Lake unit of the Refuge consists of three properties: Sun River, Lodi Gun Club and Lewis Investment Company (LIC), totaling 912 acres. Sun River supports 537 acres of irrigated pasture, managed seasonal wetlands, mixed riparian forest, open water aquatic beds, grassland, and permanent marsh. The property is located north of Lambert Road and east of the abandoned Southern Pacific Railroad. The Lodi Gun Club and LIC property contain 375 acres of open water aquatic beds, perennial and seasonal wetlands, mixed riparian forest and grassland and are located just north of Sun River.

Other wildlife-dependent uses that may be accommodated on South Stone Lake, including fishing, wildlife observation, photography, environmental education, and interpretation, would be addressed in the Refuge Comprehensive Conservation Planning effort to be completed in 2005. Refuge staff anticipates 15-20 percent of the Refuge would be open for these activities including portions of the South Stone Lake area on non-hunt days. Therefore, approximately 70 percent (30 percent of lands owned in fee title) of the Refuge would be closed to all public use during the migratory and wintering season (September – March) to provide adequate sanctuary for migrating and wintering birds.

Because the Refuge land base is small at present, the proposed waterfowl hunt program would be small relative to other refuges in the Central Valley such as Sacramento NWR, San Luis NWR, or the State Yolo Bypass Wildlife Area. As the Refuge land base increases, additional areas may be opened to hunting.

To ensure public safety and provide a quality hunting experience, the number of hunters would be limited to a maximum of 26 per day, on Tuesdays and Saturdays until the first Saturday in December. Thereafter, hunting would occur on Tuesdays, Thursdays and Saturdays for the

remainder of the season. Hunting would occur from assigned spaced-blinds only. Hunters would be selected through a random draw process administered by the Service and the California Department of Fish and Game (CDFG). Each hunting party would consist of two hunters, except in the case of youth hunters where one adult may bring two youth. Seven blinds would be occupied on the Sun River property, two of which would be reserved for and accessible to mobility-impaired hunters and their companions. Two additional blinds would be reserved for youth hunters on Saturdays only. If no youth or mobility impaired hunters apply, then the blinds would be available to adult hunters. As funding and facilities become available over the next five years, five additional blinds would be provided on other portions of the South Stone Lake unit (i.e., LIC and Lodi Gun Club properties). Additional youth hunts also would be offered before and after the regular hunting season. The Service may periodically modify the number of hunters accommodated by the program depending on waterfowl use patterns, effects of public uses, and monitoring information. To ensure continued use of the Sun River property by the State-listed greater sandhill crane (USFWS 2002), hunting would be curtailed at 12 PM.

The proposed waterfowl hunting program would occur during the normal State hunting season, typically from late October/early November to late January/early February. The most common waterfowl species in the South Stone Lake area include: mallard, gadwall, teal species, and wood duck. Canada and white-fronted geese concentrate at North Stone Lake but have been recorded on Sun River. Hunt boundary signs would be clearly posted and a hunter information station would be constructed that provides maps and brochures showing blind locations, regulations, species identification, and access routes. Hunters would also receive an orientation the day of a hunt to familiarize them with the area and locations of blinds and any hazards. Random, hunter field checks would be conducted by Refuge law enforcement to assess the type and number of harvested species as well as compliance with the stipulations identified herein. Dogs would be allowed to retrieve waterfowl but must be under control of the owner at all times.

**Availability of Resources:** The following initial and annual costs would be required to administer and manage hunting activities as described above:

	<i>Initial Costs</i>	<i>Annual Costs*</i>
Hunter Information Station	\$6,000.00	
Signs, Brochures, Maps	\$1,000.00	\$200.00
Administration (including law enforcement)	\$2,000.00	\$8,250.00
Blind and structure maintenance		\$2500.00
Portapotty		\$411.00
Total	\$9,000.00	\$11,361.00

\* Based on 330 estimated staff hours annually, assuming the hunt is run entirely by Refuge staff. This number would decrease to approximately 175 hours if CDFG and/or volunteers were to run the hunter check station.

Additional funds would be required to operate and maintain the hunt program once it is fully developed. Due to the high costs projected for this program, the Refuge will consider participating in the Recreational Fee Program, or other funding options in the future. Additional law enforcement staffing would be needed and funding would be sought through the Service budget process. Other sources would be sought through strengthened partnerships, grants, and additional Refuge operations funding to support a safe and quality program as described above.

**Anticipated Impacts of Use:** By its very nature, hunting has very little positive effects on the individual target species while the activity is occurring. However, in our opinion, hunting has given many people a deeper appreciation of wildlife and a better understanding of the importance of conserving their habitat, which has ultimately contributed to the Refuge System mission. Furthermore, despite the potential impacts of hunting, an interim goal of the Refuge as defined in the FEIS (USFWS 1992) is to provide visitors of all ages an opportunity to enjoy wildlife-dependent recreation. A priority for the Refuge is to offer a safe and quality hunting program and to minimize any potential adverse impacts.

The Service, state wildlife agencies, and federal and provincial governments in Canada have long-term cooperative programs that monitor breeding-population status, harvest levels, production, migration, and other parameters utilized for regulating waterfowl harvests. The process of regulating harvests involves a lengthy sequence of public involvement and decision making and participation by the Service, state wildlife agencies, and the Canadian and Mexican governments. It culminates in regulations being set at the flyway level (season lengths, daily bag limits, and outside dates for the earliest opening and latest closing dates for a hunting season) and special regulations at the state level (e.g., split seasons, harvest zones, special seasons, area closures).

As a result, the anticipated waterfowl harvest from a limited two/three-day per week public hunting program should have negligible cumulative effects on overall populations of waterfowl and other non-target species. An adequate amount of non-hunting areas will be maintained to support current Refuge waterfowl populations and to withstand the cumulative effects of off-refuge hunting programs because approximately 50 percent of wetland habitat will not be open to hunting. Hunting pressure on nearby private lands is relatively light, consisting of only 3-4 parties on any given hunt day. The non-hunted portions of the Refuge would also accommodate increased use by waterfowl populations as these habitats are enhanced in the future. Service staff would conduct annual habitat management reviews of each Refuge unit to evaluate wildlife population levels, habitat conditions, and public use activities.

The proposed hunt program is intended to minimize conflicts with other wetland-dependent species (e.g., special status species) through education, monitoring and limiting hunt days and times. Potential biological conflicts include flushing other migratory and resident birds from areas being hunted or the take of non-target species either by mistake or willfully. No adverse

impacts to wildlife or habitats are anticipated from dogs used for retrieval of waterfowl since they will be under the control of their owners at all times. A minor benefit of using dogs would be minimizing loss of downed birds. No impacts from use of boats by hunters are anticipated because boats will be hand-launched and introduction of invasive aquatic plants into Refuge waterways is unlikely.

The only Federally-listed species that may occur in the South Stone Lake unit is the threatened giant garter snake which is occupying underground hibernacula by the start of the waterfowl season. An informal consultation under Section 7 of the Endangered Species Act determined that the proposed program is not likely to adversely affect the giant garter snake (USFWS 2005c). Hunters would be given a map showing their route to their blind. Refuge staff would ensure that hunters follow all regulations and report any snake sightings the morning of the hunt. The Refuge would also monitor areas likely to contain snake hibernacula to determine if modifications to the hunt program are warranted.

State-listed species present on the Refuge include the Swainson's hawk which migrates to Mexico and South America during winter months and the greater sandhill crane. Greater sandhill cranes have been recorded roosting, loafing, and feeding on the Sun River unit. Restricting hunting to a maximum of three days per week until 12 PM should minimize disturbance to cranes. The birds roost in seasonal wetlands at night, leaving before dawn to feed in surrounding agricultural fields, and return to the irrigated pastures around noon (G. Ivey, pers. comm.). The Refuge would monitor any behavioral responses and movements of cranes to determine if changes to the hunt program are appropriate.

Other wetland-dependent birds such as herons and shorebirds may be flushed from the area during hunting, but adequate sanctuary will be available with approximately 40 percent of the wetland habitat remaining closed to other public use on hunt days. Therefore, there should be no detrimental effect on other birds utilizing wetlands because of the availability of nearby habitats and the limited days and times of the waterfowl hunts.

Additional impacts from hunting activity could include conflicts with individuals participating in other wildlife-dependent priority public uses, such as wildlife observation and fishing. To minimize such conflicts, South Stone Lake would be closed to all other public uses on hunt days. See the Environmental Assessment for additional details on impacts of this proposal.

#### **Public Review and Comment:**

Interested individuals, organizations, and agencies were notified by mail on approximately November 17, 2004 regarding a 30-day comment period to review the draft EA, Waterfowl Hunt Plan, and Compatibility Determination for Waterfowl Hunting. To facilitate public review, all of these draft documents were accessible on the Refuge website (<http://stonelakes.fws.gov>) and at local libraries. Copies were also provided upon request.

A total of 18 comments were received by phone, mail and e-mail. Comments received by phone equaled seven in favor of a hunting program and two opposed to any hunting. Comments received by mail and e-mail totaled seven in favor of hunting and two opposed. Most comments

in favor of hunting requested expanding the program to three days and/or all day rather than half day, increasing the number of blinds and allowing hunters to refill and including other hunting such as dove, quail, pheasant. Those opposed to hunting felt the Refuge should remain as a sanctuary and be available for non consumptive uses (i.e. bird watching, hiking). The topic of hunting on the Refuge was also discussed in various chat forums including Elk Grove Online, DuckHunters.org, and refugeforums.com.

In response to comments received, hunting opportunities were expanded to three days per week after the first Saturday in December and the total number of hunters increased from a minimum of 12 to 22 hunters per day to a minimum of 14 to 26 hunters per day. All parties commenting on the EA will be notified through direct mailing that the Finding of No Significant Impact is available upon request and posted on the Refuge website.

Determination: (Check one below)

\_\_\_\_\_ Use is not compatible

\_\_\_\_\_ **X** Use is compatible, with stipulations

#### **Stipulations Necessary to Ensure Compatibility:**

##### **Stipulations Applicable to Refuge Management:**

- The Refuge would annually review all hunting activities and operations to ensure compliance with all applicable laws, regulations, and policies.
- The Refuge would annually review waterfowl population data with the California Department of Fish and Game to ensure that harvest from hunting is not unacceptably impacting the targeted populations. The program would be modified accordingly.
- Each year the Refuge staff would conduct habitat management reviews of each unit to evaluate wildlife population levels, habitat conditions, public use activities, and hunter compliance with stipulations.
- Refuge specific hunting information would be available via signs, information panels, brochures and website.
- The refuge would monitor hunting activity in the field to assure that it does not interfere with other wildlife-dependent uses.

##### **Stipulations Applicable to Hunters (See Section VII.A. of Waterfowl Hunt Plan for Refuge-Specific Hunting Regulations):**

- Hunting must be in accordance with Federal, State and refuge-specific regulations.
- Dog training on the Refuge would not be allowed.
- Hunting dogs may be used for the retrieval of birds, but must be under the control of the owner at all times on hunt days.
- Only non-motorized boats would be used to access the two water blinds on the Sun River unit.
- Federally approved non-toxic shot would be required for all species
- Hunters may possess no more than 25 shells while in the field.

**Justification:** Hunting is a wildlife-dependant recreational use identified in the National Wildlife Refuge System Improvement Act of 1997. If found compatible with Refuge purposes and the mission of the System, this use is to be given priority consideration over non-wildlife dependant uses. By facilitating this use on the Refuge, we hope to increase visitor knowledge and appreciation of fish and wildlife, which may lead to increased public stewardship of wildlife and their habitats on the Refuge and in the Central Valley. Increased public stewardship would support and complement the Service actions in achieving the Refuge's purposes and the mission of the National Wildlife Refuge System.

Based upon biological impacts described in the Environmental Assessment and the Hunt Plan (USFWS 2005a & b) and summarized herein, it is determined that hunting within the Stone Lakes National Wildlife Refuge would not materially interfere with nor detract from the purposes for which the Refuge was established, provided the use is in compliance with the stipulations identified above. In our opinion, implementing the hunt plan and associated stipulations would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge.

**Mandatory Reevaluation Date (provide month and year):**

2020 Mandatory 15-Year Reevaluation Date (for priority public uses)

           Mandatory 10-Year Reevaluation Date (for all uses other than priority public uses)

**NEPA Compliance for Refuge Use Decision (check one below):**

           Categorical Exclusion without Environmental Action Statement

           Categorical Exclusion and Environmental Action Statement

  X   Environmental Assessment and Finding of No Significant Impact

           Environmental Impact Statement and Record of Decision

**References Cited:**

USFWS. 1992. Final Environmental Impact Statement for Stone Lakes National Wildlife Refuge. Prepared by Jones and Stokes, Associates for U.S. Fish and Wildlife Service.

USFWS. 2002. Stone Lakes National Wildlife Refuge, Wildlife and Habitat Review, November 2002

USFWS. 2005a. Stone Lakes National Wildlife Refuge Waterfowl Hunting Program. Final Environmental Assessment. January 20, 2005.

USFWS. 2005b. Stone Lakes National Wildlife Refuge Hunt Plan, January 2005.

USFWS. 2005c. Informal Section 7 Consultation Under the Endangered Species Act for Stone Lakes NWR Waterfowl Hunt Program.



## Compatibility Determination - Waterfowl Hunting Program

### Refuge Determination

Prepared by:  
Asst Manager \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)  
Stone Lakes NWR

Approval:  
Project Leader \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)  
Stone Lakes NWR

### Concurrence

Regional Chief \_\_\_\_\_  
Refuge Operations (Signature) (Date)

Assistant Manager \_\_\_\_\_  
For Refuges (Signature) (Date)

California/Nevada \_\_\_\_\_  
Operations Manager (Signature) (Date)